

SENATE BILL NO. 155

INTRODUCED BY TAYLOR

BY REQUEST OF THE DEPARTMENT OF REVENUE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE TAXATION OF CLASS EIGHT PROPERTY BY

6 PROVIDING THAT THE COMPUTATIONS FOR DETERMINING WHETHER THE CLASS EIGHT RATE IS TO

7 BE REDUCED ARE TO BE MADE AT LEAST 1 YEAR AND 2 MONTHS PRIOR TO THE AFFECTED TAX

8 YEAR TO ALLOW FOR LEGISLATIVE ACTION; CLARIFYING THE DATA USED BY THE DEPARTMENT OF

9 REVENUE TO CALCULATE THE PERCENTAGE GROWTH INFLATION-ADJUSTED MONTANA WAGE AND

10 SALARY INCOME FOR DETERMINING WHETHER THE CLASS EIGHT TAX RATE IS TO BE REDUCED; AND

11 AMENDING SECTION 15-6-138, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A

12 TRANSITION PROVISION."

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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16 **Section 1.** Section 15-6-138, MCA, is amended to read:

17 **"15-6-138. (Temporary) Class eight property -- description -- taxable percentage.** (1) Class eight

18 property includes:

19 (a) all agricultural implements and equipment that are not exempt under 15-6-201(1)(bb);

20 (b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-201(1)(r), and

21 supplies except those included in class five;

22 (c) all oil and gas production machinery, fixtures, equipment, including pumping units, oil field storage

23 tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units,

24 communication towers, gas metering shacks, treaters, gas separators, water flood units, gas boosters, and

25 similar equipment that is skidable, portable, or movable, tools that are not exempt under 15-6-201(1)(r), and

26 supplies except those included in class five;

27 (d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools

28 and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk

29 processors as provided in 15-6-201, and supplies except those included in class five;

30 (e) all goods and equipment that are intended for rent or lease, except goods and equipment that are

1 specifically included and taxed in another class;

2 (f) special mobile equipment as defined in 61-1-104;

3 (g) furniture, fixtures, and equipment, except that specifically included in another class, used in

4 commercial establishments as defined in this section;

5 (h) x-ray and medical and dental equipment;

6 (i) citizens' band radios and mobile telephones;

7 (j) radio and television broadcasting and transmitting equipment;

8 (k) cable television systems;

9 (l) coal and ore haulers;

10 (m) theater projectors and sound equipment; and

11 (n) all other property that is not included in any other class in this part, except that property that is

12 subject to a fee in lieu of a property tax.

13 (2) As used in this section, "coal and ore haulers" means nonhighway vehicles that exceed 18,000

14 pounds per axle and that are primarily designed and used to transport coal, ore, or other earthen material in a

15 mining or quarrying environment.

16 (3) "Commercial establishment" includes any hotel; motel; office; petroleum marketing station; or

17 service, wholesale, retail, or food-handling business.

18 (4) Class eight property is taxed at 3% of its market value.

19 (5) (a) If, in any year beginning with tax year 2004, the percentage growth in inflation-adjusted Montana

20 wage and salary income, ~~in the last full year for which data is available~~, is at least 2.85% from the prior YEAR

21 PRIOR TO THE BASE YEAR TO THE base year to the target year, then the tax rate for class eight property will be

22 reduced by 1% each year until the tax rate reaches zero.

23 (b) For each tax year, the base year is the year 3 years before the applicable tax year and the target

24 year is the year 2 years before the applicable tax year.

25 ~~(b)~~(c) The department shall calculate the percentage growth in subsection (5)(a) by October 30 of each

26 target year by using the formula $(W/CPI) - 1$, where:

27 (i) W is the Montana wage and salary income for the ~~most current available~~ calendar base year divided

28 by the Montana wage and salary income for the ~~year prior to the most current available~~ calendar year prior to

29 the base year; and

30 (ii) CPI is the consumer price index for the ~~most current available~~ calendar base year used in subsection

1 ~~(5)(b)(i) (5)(c)(i)~~ divided by the consumer price index for the year prior to the most current available calendar year
 2 prior to the base year as used in subsection ~~(5)(b)(i) (5)(c)(i)~~.

3 ~~(e)(d)~~ For purposes of determining the percentage growth in subsection (5)(a), the department shall use
 4 the bureau of economic analysis of the United States department of commerce Montana wage and salary
 5 disbursements, fall SA07 (state annual) for the target year ~~the wage and salary data series referred to as the~~
 6 ~~bureau of economic analysis of the United States department of commerce Montana wage and salary~~
 7 ~~disbursements.~~

8 (e) Inflation must be measured by the consumer price index, U.S. city average, all urban consumers
 9 (CPI-U), using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States
 10 department of labor.

11 (6) The class eight property of a person or business entity that owns an aggregate of \$5,000 or less in
 12 market value of class eight property is exempt from taxation. (Repealed on occurrence of contingency--secs.
 13 27(2), 31(4), Ch. 285, L. 1999.)"

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 15 NEW SECTION. SECTION 2. EFFECTIVE DATE -- TRANSITION. (1) [THIS ACT] IS EFFECTIVE ON PASSAGE AND
 16 APPROVAL.

17 (2) THE DEPARTMENT OF REVENUE SHALL PERFORM THE CALCULATION IN 15-16-138(5) FOR THE TAX YEAR 2004
 18 NOT LATER THAN [60 DAYS AFTER THE EFFECTIVE DATE OF THIS ACT].

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